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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS, *et al.*,

Plaintiffs,

v.

GINA RAIMONDO, in her official
capacity as Secretary of Commerce, *et al.*,

Defendants.

Case No. 1:20-cv-00431-DAD-EPG

**SUPPLEMENTAL DECLARATION OF
BARBARA CHISHOLM IN SUPPORT OF
PLAINTIFFS' REPLY IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION FOR 2022**

Hearing date: February 11, 2022

Judge: Hon. Dale A. Drozd

Courtroom 5, 7th Floor
2500 Tulare Street
Fresno, CA 93721

1 I, Barbara J. Chisholm, declare as follows:

2 1. I am an attorney representing Plaintiffs Natural Resources Defense Council
3 (“NRDC”), Defenders of Wildlife, Golden State Salmon Association, and The Bay Institute in
4 the above-captioned action and am a partner at the law firm of Altshuler Berzon LLP. I am a
5 member in good standing of the bars of the State of California and this Court. I make this
6 declaration based on my personal knowledge and, if called to testify, could and would testify as
7 stated herein.

8 2. Attached hereto as **Exhibit P** is a true and correct copy of the Draft Winter-Run
9 Juvenile Production Estimate (JPE) for Brood Year 2021 letter produced by the Interagency
10 Ecological Program’s Winter-Run Project Work Team. The document was e-mailed from
11 Jason Roberts of the California Department of Fish and Wildlife to Doug Obegi of NRDC on
12 January 3, 2022.

13 3. Attached hereto as **Exhibit Q** is a true and correct copy of the 2020 Seasonal
14 Report for the Shasta Cold Water Pool Management prepared by Reclamation in December
15 2020. My office downloaded the document on January 20, 2022, at the following address:
16 <[http://www.cbr.washington.edu/sacramento/workgroups/WOMT/documents/annual/WY2020/
17 LTO%20Shasta%20Cold%20Water%20Pool%20Seasonal%20Report%2012302020.pdf](http://www.cbr.washington.edu/sacramento/workgroups/WOMT/documents/annual/WY2020/LTO%20Shasta%20Cold%20Water%20Pool%20Seasonal%20Report%2012302020.pdf)>.

18 4. Attached hereto as **Exhibit R** is a true and correct copy of the DWR and
19 Reclamation’s January 18, 2022 letter withdrawing the Temporary Urgency Change Position
20 (“TUCP”) submitted on December 1, 2021. My office downloaded the document from the
21 State Water Resources Control Board’s (“SWRCB”) website on January 20, 2022, at the
22 following address: <[https://www.waterboards.ca.gov/drought/tucp/docs/2022/20220118_dwr-
23 usbr-letter_tucp-withdrawal.pdf](https://www.waterboards.ca.gov/drought/tucp/docs/2022/20220118_dwr-usbr-letter_tucp-withdrawal.pdf)>.

24 5. Attached hereto as **Exhibit S** is a true and correct copy of Reclamation’s Weekly
25 Assessment of CVP and SWP Delta Operations on ESA-listed Species dated January 18, 2022.
26 The document was emailed from Elissa Buttermore of Reclamation to Doug Obegi of NRDC
27 on January 18, 2022.

28 6. Attached hereto as **Exhibit T** is a true and correct copy of DWR and Reclamation’s

1 April 8, 2014 Updated Report to SWRCB on Export Amounts to Maintain Health and Safety
2 During Drought. My office downloaded the document from the SWRCB's website on January
3 20, 2022, at the following address:

4 <[https://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/docs/tucp/03181](https://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/docs/tucp/031814order_urgchg_swcv/20140408_dwrusbr_to_swrcb_updated_minhs.pdf)
5 [4order_urgchg_swcv/20140408_dwrusbr_to_swrcb_updated_minhs.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/docs/tucp/031814order_urgchg_swcv/20140408_dwrusbr_to_swrcb_updated_minhs.pdf)>.

6 7. Attached hereto as **Exhibit U** is a true and correct copy of Reclamation's March
7 2021 Chinook Salmon Report, showing salvage and loss of winter-run and spring-run Chinook
8 salmon and the amount of pumping each day by Reclamation and the State Water Project. My
9 office downloaded this document from Reclamation's website on January 20, 2022, at the
10 following address: <<https://www.usbr.gov/mp/cvo/vungvari/salmon0321.pdf>>.

11 8. Attached hereto as **Exhibit V** is a true and correct copy of DWR's January 20,
12 2022 Notice to State Water Project Contractors regarding 2022 State Water Project Table
13 Allocation Increase from 0 to 15 Percent. My office downloaded the document from DWR's
14 website on January 20, 2022, at the following address: <[https://water.ca.gov/-/media/DWR-](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Management/SWP-Water-Contractors/Files/22-01-2022-Allocation-Increase--15-Percent-012022.pdf)
15 [Website/Web-Pages/Programs/State-Water-Project/Management/SWP-Water-](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Management/SWP-Water-Contractors/Files/22-01-2022-Allocation-Increase--15-Percent-012022.pdf)
16 [Contractors/Files/22-01-2022-Allocation-Increase--15-Percent-012022.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Management/SWP-Water-Contractors/Files/22-01-2022-Allocation-Increase--15-Percent-012022.pdf)>.

17 9. Attached hereto as **Exhibit W** is a true and correct copy of DWR's Allocation
18 Analysis for 2022 (TAF) dated January 6, 2022. This document is an excerpt of the State Water
19 Contractors Water Operations Committee Meeting packet for January 6, 2022 that was emailed
20 by Demetri Polyzos of the Metropolitan Water District of Southern California to Doug Obegi of
21 NRDC on January 10, 2022.

22 10. On January 6, 2022, counsel for Federal Defendants e-mailed the parties to ask
23 about alternative hearing dates for the instant motions. In reply, I asked counsel for Federal
24 Defendants whether Reclamation plans to announce initial CVP allocations, including
25 allocations for its settlement and exchange contractors, in mid-February, or whether
26 Reclamation would wait until a decision is made by this Court on the pending motions. On
27 January 10, counsel for Federal Defendants replied that "Reclamation will make its initial
28 allocations in mid-February, pursuant to its various contracts." A true and correct copy of this

1 e-mail correspondence is attached hereto as **Exhibit X**.

2
3 I declare under penalty of perjury under the laws of the United States that the foregoing is
4 true and correct to the best of my knowledge.

5 Executed this 24th day of January 2022 in Berkeley, California.

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7 /s/ Barbara J. Chisholm

8 Barbara J. Chisholm
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